# Management Board minutes
## Friday 11 May 2018

### Members and other attendees present

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| Paul Arnold | Deputy Chief Executive Officer |
| Ailsa Beaton | Non-executive Director |
| David Cooke | Non-executive Director |
| James Dipple-Johnstone | Deputy Commissioner (Operations) |
| Elizabeth Denham | Information Commissioner (chair) |
| Jane McCall | Non-executive Director |
| Steve Wood | Deputy Commissioner (Policy) |
| Nicola Wood | Non-executive Director |
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| Peter Bloomfield | Senior Corporate Governance Manager (secretariat) |
| Caroline Robinson | Corporate Governance Officer (secretariat) |

### 1. Introductions and apologies

1.1. There were apologies from Emma Bate who was unable to attend the meeting.

### 2. Declaration of interests

2.1. There were no declarations of interest.

### 3. Matters arising from the previous meeting

3.1. David Cooke highlighted that the Data Protection Practitioners Conference held in Manchester in early April had been a great success. The Board thanked all of the staff involved for their work.

### 4. Commissioner's introduction

4.1. Elizabeth Denham highlighted issues of importance for the ICO not covered elsewhere in the agenda. In particular

the amount of work ongoing at the ICO and the ICO's high media and political profile. Workloads were very high for staff and managers. They would be reduced partly by the appointment of the new Directors.

4.2. In addition the ICO was considering recruiting additional capacity at Senior Leadership Team level for two years as a fixed term position of Executive Director – Innovation. The role would help reduce pressure in areas such as planning for the UK withdrawal from the EU and innovation work. The Board supported the approach whilst highlighting possible difficulties in recruitment.

4.3. Elizabeth Denham highlighted the unprecedented number of parliamentary appearances she had made as Commissioner with seven in five months relating to a wide range of issues. In addition she had made eight key note speeches recently. The number of such events did reflect both the wide range of issues the ICO was involved in and the high regard the office was held in. However, the ICO's capacity to support the Commissioner and other senior managers was stretched.

## 5. Discussion items

DP Bill

5.1. Steve Wood provided an oral update on the progress of the Data Protection Bill through Parliament. It was intended that the Bill would be enacted before GDPR came in on the 25 May, but timing was tight. There were contingency plans in place in case the Bill was not enacted in time.

5.2. It was noted that the Bill did include clauses to enhance ICO enforcement powers, including the ability to serve information notices on individuals rather than organisations and a new offence of destroying documents, equipment etc in advance of a warrant being served.

**Action: Steve Wood to send a copy of the government's summary of DP Bill amendments relating to ICO powers to the Non-executive Directors as soon as possible.**

5.3. The ICO's shadow Bill Team was praised for its excellent work in following and influencing the progress of the Bill.

Pay negotiations

5.4. Paul Arnold provided an update on the status of ICO pay negotiations.

5.5. In respect of a Remuneration Committee Paul Arnold advised the Board that he would report back to the June Audit Committee on progress.

5.6. Paul Arnold also confirmed that four additional senior management positions were being introduced to Organisational Development to increase capacity and capability.

5.7. Finally the Board was informed that Hayes had been asked to benchmark Non-executive Director remuneration against similar bodies and regulators. The benchmarking would include the amount of commitment required from the Directors.

ICO capacity, capability and resilience

5.8. Paul Arnold introduced a paper on capacity, capability and resilience at the ICO as GDPR was implemented. Issues covered included the impact of major investigations on staffing plans and contingency for GDPR, lack of cyber investigators, the impact on recruitment of changes in the pay structure, changes to the People Strategy and the impact on staff from the high work loads.

5.9. The possible use of expert advisory panels on the ICO was also discussed, including current work on setting up a technology reference panel and possibly an enforcement panel.

5.10. The Board was advised that management was considering how best to meet the increased workloads and time critical activities inherent under GDPR. This might include longer opening times for the office and more flexible arrangements for staff. In terms of breach reporting the ICO was encouraging reporting by telephone to allow a proportionate approach to be taken.

Children's strategy

5.11. Steve Wood introduced a draft Children's Strategy to help ensure that the ICO identified strategic actions to empower and support children on line. The Strategy had been discussed by Senior Leadership Team and would be consulted upon.

5.12. The Board supported the approach, noting that both children and the Children Commissioners needed to be consulted.

## 6. Risk and opportunity management

6.1. Paul introduced the risk and opportunity register. Ailsa Beaton, as chair of the Audit Committee, noted that Audit Committee had recently considered the register. And whilst broadly content with the summary register, the Committee had agreed to review the more detailed risks and the register annually.

6.2. The ability of the ICO to move resources to meet demand under GDPR and its ability to identify emerging technological risks were both discussed. In respect of the latter James Dipple-Johnstone suggested that the ICO research and grants programme, and links with international groups, meant that the ICO was well placed to identify emerging risks. It was more an issue of capacity especially given recruitment difficulties in the area.

6.3. The lack of risk scores after mitigation was also raised.

6.4. It was also suggested that risk eight, on relevance, ought to be lower.

**Action point: Peter Bloomfield to review the comments made on the risk and opportunity register and to revise the register where appropriate.**

## 7. Performance against the Information Rights Strategic Plan and the DCEO directorate business plan

Performance report

7.1. The quarter four report on performance against the Information Rights Strategic Plan was presented for information and discussion. The strong performance and productivity gains in data protection complaints and freedom of information appeals teams were highlighted.

7.2. The Board commented that the report emphasised the amount of work being done but did not focus on the impact of the work. There was work ongoing looking at just this area.

DCEO business plan

7.3. The problems in dealing with enquiries were noted. There was little available contingency in this area but a recovery plan was in place.

## 8. Annual report and accounts

March financial report

8.1. The March financial report which had come to Audit Committee was presented for information.

Draft annual report “accountability” section

8.2. The accountability section of the draft Annual Report and Accounts was presented for information and comment. The need to refer to pay freedom and to check figures in the remuneration report were emphasised.

## 9. Board evaluation

9.1. The paper on Board evaluation was noted with no adverse comments made.

## 10. Any other business

10.1. There was no any other business.